

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:12-MJ-1966-JG-1

SEARCH WARRANT FOR THE PERSON)
OF JOHN F. GILL AND THE PREMISES)
LOCATED AT 28¹ WEST SIDE DRIVE,)
CAMERON, NORTH CAROLINA)

ORDER

This case comes before the court on the pro se motion (D.E. 6) by John F. Gill (“movant”) for return of property seized by the government pursuant to the modified search warrant (D.E. 4) issued on 2 November 2012 in the above-captioned matter. In response to the motion, the government filed a notice (D.E. 7) stating that it “did not intend to debate with [movant] as to the investigative or prosecutorial value of the evidence located and seized.” (Notice 1). The government further states that it “is aware of its ongoing duty to release items for which [sic] has no lawful purpose to maintain” and that it intends to conduct an additional review of the seized items to determine if it has a continuing need to retain them. (*Id.* 1-2).

The court finds the government’s response to the motion to be insufficient to enable the court to make a fully informed ruling on the motion. The government shall therefore file by 25 April 2013 a supplemental memorandum in response to the motion (complying with Local Criminal Rules 47.1(c) and 47.2(a), E.D.N.C.) setting out the government’s position regarding the return of the property sought by movant under the legal standards established by Federal Rule of Criminal Procedure 41(g) and any other applicable law. The government shall also complete its review of the seized items by 25 April 2013 and shall include in its supplemental


¹ Although the search warrant application (D.E. 1) and the originally issued warrant (D.E. 2) identified the property to be searched as “48 West Side Drive,” the warrant was subsequently modified (D.E. 4) to change the address to “28 West Side Drive.” (*See* Transcript (D.E. 3) of 2 Nov. 2012 telephone conference regarding the modification). Although the modified warrant reflects the new address, the case caption in the docket sheet still reflects the original address. Accordingly, the Clerk is DIRECTED to modify the case caption to reflect the correct address.

memorandum a report of the results of the review. The government may address in its supplemental memorandum such other matters as it deems appropriate. The government may move to file the memorandum under seal pursuant to Local Criminal Rule 55.2, E.D.N.C.

Movant may file a reply to the government's supplemental memorandum no later than 14 days after service of the government's supplemental memorandum, but in no event later than 9 May 2013.

Movant shall direct all future submissions in this matter to the Clerk's Office and shall not submit them to the undersigned's chambers. Although movant is proceeding pro se, his pro se status does not excuse him from compliance with applicable rules and orders of this court.

SO ORDERED, this the 10th day of April 2013.



James E. Gates
United States Magistrate Judge